18 March 2019

Communications Alliance

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Dear Mr Purdon,

ACCAN thanks the Communications Alliance for the opportunity to contribute to its scheduled review of the Calling Number Display Guideline (DR G522:2019). We believe that the Guideline should be retained because of the protections it provides for the privacy of exceptionally vulnerable consumers, and consumers generally.

The provision of Calling Number Display (CND) blocking and enabling remains an important service for many consumers, and remains integral to protecting the privacy of some of Australia’s most at-risk individuals, including those suffering from domestic violence. The provision of information concerning this essential service has been primarily driven by the CND Guideline and, prior to 2016, the CND Code.

We are aware that the Guideline operates as part of a broader industry commitment to vulnerable consumers, which now includes the recent Assisting Customers Experiencing Domestic and Family Violence Guideline (G660:2018).

CND services operate on an opt-out basis which reflects a compromise made with industry at the time CND became available. Therefore, it is important that industry continue to provide information to allow individuals to determine whether they wish to have their number displayed when placing calls. As you will be aware, ACCAN opposed the deregistration of the CND Code in 2016, and our preference remains that this important privacy protection for standard telephone service users be codified, regardless of whether the service is delivered over legacy or IP networks.

The Guideline and the Code before that has been an effective measure for promoting the dissemination of information to at-risk individuals and service providers. ACCAN has been advised on numerous occasions by our members that the provision of the information required under the Guideline has been important to, and useful for, vulnerable consumers, including those fleeing family violence.

ACCAN considers that there is no evidence to indicate that savings will accrue to industry through reduced regulatory costs in the event that the Guideline were amended or revoked. This view is based on the fact that the Guideline requires the continued provision of information that has already been produced by industry.

However, there are opportunities to enhance the Guideline to ensure that all relevant information is being made available to support services (including those for domestic violence) and vulnerable consumers. At present, the Guideline does not require service providers to publish information concerning their billing practices for ‘silent’ lines and private numbers. We discuss the implications of this practice and make recommendations below.

*Information about billing arrangements for silent lines*

ACCAN has been advised by retail service providers that in some instances bills may display calls made to ‘silent’ lines, depending on whether there is a charge associated with making a call. As part of the billing process RSPs have advised that detailed information can be provided (which may not conceal for example the full number of a domestic violence service if it is registered as a silent line) at the request of a customer (who may not be the end-user, but rather an abusive and controlling spouse).

This is extremely concerning because in circumstances where an individual faces domestic violence the display of information concerning their contact with service providers may place them at exceptionally high levels of risk to their personal safety. ACCAN considers in these circumstances that the provision of guidance information should be undertaken by industry as a matter requiring urgent attention.

The provision of information to potentially affected parties in the immediate future is the first step that should be taken to protect vulnerable consumers. This should be followed by modifications to billing platforms to preclude the display of sensitive information including the phone numbers of support organisations with registered silent lines.

ACCAN appreciates that billing information is provided by retailers in fulfilment of their obligations under the terms of the Telecommunications Consumer Protection Code (C628:2016), notably under clause 5.2.5 and 5.5 of the Code.. However, the provision of guidance for vulnerable individuals and support services is a practical measure that industry can and should take to minimise the risk of harm to individuals that may arise as a consequence of the identification of their efforts to seek support by a violent partner. There is evidence that victims of domestic violence are at highest risk when planning to leave or have recently left the relationship, which is when they are likely to call a support service.

Providing information about whether an outbound call from a private number to a silent line will appear on bill statements is essential to ensure that individuals at risk are able to manage how they interact with support services to minimise the risk to their personal safety. Moreover, it is essential for support services to provide clients’ access to a secure and private number to ensure safety and privacy.

ACCAN has been advised by retailers that there are different options available to individuals and support services that would allow them to minimise the risk of inadvertent disclosure of information for at-risk individuals. The broader dissemination of this information underpinned by an industry guideline is appropriate given the material risks to public and individual safety. This approach is consistent with Communications Alliance’s Assisting Customers Experiencing Domestic and Family Violence Guideline (G660:2018), which acknowledges in section 2.2 the risk of abusers gaining access to account activity.

*Recommendations*

As noted in our submission to the previous review of the Guideline in 2015, ACCAN believes that it should be extended to incorporate voice-over IP services. We also consider the provision of information to vulnerable individuals about how to manage CND would alleviate the risks they face.

ACCAN recommends that the Guideline be reconfirmed, with its substantive requirements retained. Accordingly we recommend:

* Enhance the Guideline by including a requirement for providers to publish information about their billing practices and whether they display silent numbers on phone bills.
* Enhance the guideline by including a requirement for providers to publish information for domestic and family violence support service providers on how to obtain a line that does not appear on billing.
* Retain the requirement for service providers to inform their customers that CND cannot be blocked when calling emergency services
* Retain the requirement for service providers to advise consumers as to the availability (or lack therefore) of CND on their networks.
* Retain the requirement to inform consumers that they are free from contractual obligations if a technological change means that CND blocking or enabling is no longer available on the provider’s network.

The further enhancements we have recommended to the Guideline are consistent with the objectives of the Assisting Customers Experiencing Domestic and Family Violence Guideline (G660:2018).

Should you wish to discuss this submission further please do not hesitate to get in contact.

Yours sincerely,

Gareth Downing

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